

**CANDY AND SIRUP****CANDY**

**20401. Adulteration of candy. U. S. v. 6 Cases, etc.** (F. D. C. No. 34714. Sample Nos. 64158-L, 64159-L.)

**LABEL FILED:** March 3, 1953, District of Oregon.

**ALLEGED SHIPMENT:** On or about January 13, 1953, by the California Peanut Co., from Oakland, Calif.

**PRODUCT:** 6 30-pound cases of candy and 3 25-pound cases of candy at Portland, Oreg.

**LABEL, IN PART:** "Item No. M-2 Milk Choc D. Dipped Peanuts Pack 30 Lbs. Net" and "Item No. N-6 Milk Choc Raisins Pack 25 Lbs. Net."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect parts; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** May 4, 1953. Default decree of condemnation and destruction.

**20402. Adulteration of candy. U. S. v. 12 Cases \* \* \*.** (F. D. C. No. 34749. Sample No. 48663-L.)

**LABEL FILED:** March 12, 1953, Southern District of Iowa.

**ALLEGED SHIPMENT:** During September 1951, from Fort Worth, Tex.

**PRODUCT:** 12 cases, each containing 24 14-ounce packages, of candy at Ottumwa, Iowa, in the possession of the Midwest Potato Chip Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, insect webbing, and insect excreta; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** April 11, 1953. Default decree of condemnation. The court ordered that the product be delivered to public institution, for use as animal feed.

**SIRUP**

**20403. Adulteration and misbranding of sorghum sirup. U. S. v. Joseph E. Jones (Jones Sorghum Mill). Plea of guilty. Fine, \$50.** (F. D. C. No. 34840. Sample Nos. 34227-L, 34228-L, 34243-L.)

**INFORMATION FILED:** April 15, 1953, Southern District of Mississippi, against Joseph E. Jones, trading as Jones Sorghum Mill, Conehatta, Miss.

**ALLEGED SHIPMENT:** On or about February 5, 1952, from the State of Mississippi into the State of Tennessee.

**LABEL, IN PART:** (Portion of article) "Country Sorghum Best by Taste Test Made at Jones Sorghum Mill Conehatta, Miss. Net Weight 5 Pounds."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a substance consisting of a mixture of sorghum, corn sirup, and sugar had been substituted for sorghum.

Misbranding, Section 403 (b), the article was offered for sale under the name of another food, namely, sorghum; and, Section 403 (i) (2), the article was

fabricated from two or more ingredients, and it failed to bear a label containing the common or usual name of each such ingredient. Further misbranding, Section 403 (a), the statement "Sorghum" appearing on the label of a portion of the article was false and misleading since it represented and suggested that the article consisted entirely of sorghum, whereas it consisted of a mixture of sorghum, corn sirup, and sugar; and Section 403 (e) (1) and (2), a portion of the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents.

**DISPOSITION:** September 21, 1953. The defendant having entered a plea of guilty, the court fined him \$50.

**20404. Adulteration and misbranding of sorghum sirup. U. S. v. 11 Cases \* \* \*.**  
(F. D. C. No. 34784. Sample No. 19807-L.)

**LIBEL FILED:** March 31, 1953, District of Minnesota.

**ALLEGED SHIPMENT:** On or about February 18, 1953, by Roy McClain, from Joplin, Mo.

**PRODUCT:** 11 cases, each containing 12 1-quart, 13-ounce cans, of sorghum sirup at Albert Lea, Minn.

**LABEL, IN PART:** (Can) "Country Sorghum Made by W. W. Dollar & Sons Rural Route 1 Rogers, Ark."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a mixture of glucose and sorghum had been substituted in whole or in part for sorghum.

Misbranding, Section 403 (a), the label designation "Sorghum" was false and misleading as applied to a mixture of glucose and sorghum.

**DISPOSITION:** May 22, 1953. Default decree of condemnation. The court ordered that the amount of the product actually seized, consisting of 1 case and 10 cans of the product, be turned over to the Food and Drug Administration for disposition.

## CEREALS AND CEREAL PRODUCTS

### BAKERY PRODUCTS

**20405. Adulteration of bakery products. U. S. v. Fogelson Bros., Inc., and Nathan Fogelson. Pleas of nolo contendere. Each defendant fined \$500. Individual defendant also placed on probation for 6 months.**  
(F. D. C. No. 34323. Sample Nos. 36744-L to 36750-L, incl., 49452-L.)

**INDICTMENT RETURNED:** March 24, 1953, District of New Jersey, against Fogelson Bros., Inc., Newton, N. J., and Nathan Fogelson, secretary-treasurer.

**ALLEGED SHIPMENT:** On or about August 28 and 29, 1952, from the State of New Jersey into the State of New York.

**LABEL, IN PART:** "Fogelson's White Mountain Bread," "Fogelson's Better Bread," "Fogelson's Better [or "Sandwich"] Rolls," "Fogelson's Danish Coffee Cake," or "Fogelson's Quality Vienna Bread."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of insects, insect fragments, and rodent hairs; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.